

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 13-24 are presently pending in this case. Claims 1-12 are canceled without prejudice or disclaimer and new Claims 13-24 are added by the present amendment. As new Claims 13-24 are supported by the original disclosure, no new matter is added.

In the outstanding Official Action, Claims 1-12 were rejected under 35 U.S.C. §103(a) as unpatentable over Rahman (U.S. Patent No. 6,445,916) in view of Dupont (U.S. Patent No. 5,729,542).

Due to the cancellation without prejudice or disclaimer of Claims 1-12, the outstanding rejection is moot. To the extent that Rahman and Dupont may be relevant to new Claims 13-24, the following remarks are provided for the Examiner's consideration.

New Claim 13 recites in part:

measuring communication qualities of the radio terminals or communication connections;  
retrieving a first group including radio terminals or communication connections in which the measured communication qualities are degraded more than required communication qualities;  
determining a priority order for allocating radio resource, based on differences between the required communication qualities and the measured communication qualities; and  
allocating the radio resource to the radio terminals or communication connections of the first group based on the priority order.

Rahman describes a method for repeatedly evaluating a communication quality even as the quality is dramatically changed. It is respectfully submitted that Rahman does not describe determining a priority order or allocating resources. Thus, it is respectfully submitted that Rahman does not describe "determining a priority order" or "allocating the radio resource" as defined in new Claim 13.

Dupont describes dividing terminals into first and second groups and assigning resources preferentially to the first group. Dupont assigns the terminals to the first and second groups based on priority of access to the service (QoS). Thus, it is respectfully submitted that Rahman does not describe “determining a priority order for allocating radio resource, *based on differences between the required communication qualities and the measured communication qualities*” or “allocating the radio resource to the radio terminals or communication connections of the first group *based on the priority order*” as defined in new Claim 13.

Further, devices such as those described by Rahman and Dupont have problems, as described from line 25 of page 2 to line 28 of the present specification with reference to Figure 1. If a radio resource allocation is conducted based on evaluation results, referring to Figure 1 of the present specification, radio resources is allocated to terminals in an order of terminals D, C, A, and then B, even if the terminal A severely requires the communication quality more than the terminal D. If the method described by Dupont is applied to the case shown in Figure 1 of the present specification, the second group may include the terminals A, C, and D. However, in the invention recited in Claim 13, the terminal A would not be included in the second group. Instead, the terminal B is included in the second group, since the invention recited in Claim 13 concerns each of the *differences between the required communication qualities and the measured communication qualities*.

Thus, as neither Rahman nor Dupont teach or suggest “determining a priority order” or “allocating the radio resource” as defined in new Claim 13, Claim 13 (and Claims 14 and 15 dependent therefrom) is patentable over Rahman and Dupont.

In addition, in the invention recited in Claim 14, the *degree* of the differences is considered in determining the priority. It is respectfully submitted that such a feature is not

taught or suggested by Rahman or Dupont. Consequently, Claim 14 further defines over Rahman and Dupont.

New Claim 16 also recites in part “determining a priority order for allocating radio resource, based on differences between the required communication qualities and the measured communication qualities” and “allocating the radio resource to the radio terminals or communication connections of the first group based on the priority order.”

As noted above, neither Rahman nor Dupont teaches or suggests either of these features. Thus, new Claim 16 (and Claims 17 and 18 dependent therefrom) is patentable over Rahman and Dupont. In addition, Claim 17 further defines over Rahman and Dupont as noted above with respect to Claim 14.

New Claims 19 and 22 recite in part:

a first priority order determination part determining a priority order for allocating radio resource, ***based on differences between the required communication qualities and the measured communication qualities***; and  
a radio resource allocation part allocating the radio resource to the radio terminals or communication connections of the first group ***based on the priority order***.

As noted above, Rahman does not describe determining a priority order or allocating resources, and Dupont assigns the terminals to the first and second groups based on priority of access to the service. Consequently, neither Rahman nor Dupont teaches or suggests “a first priority determination part” or “a radio resource allocation part” as defined in new Claims 19 and 22. Thus, Claims 19 and 22 (and Claims 20, 21, 23, and 24 dependent therefrom) are patentable over Rahman and Dupont. In addition, Claims 20 and 23 further define over Rahman and Dupont as noted above with respect to Claim 14.

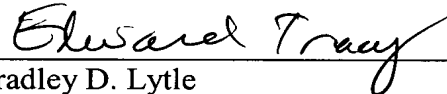
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Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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